

EXHIBIT B

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ROBIN FORSLUND, TIMOTHY KELLY,
GEORGE LENZ JR., MATTHEW
MENTING, DONALYN NORTH, ROBIN
RECTOR, ERIC OTTENHEIMER, GAIL
ROSSI, and GREGORY WILLIAMS,

*on behalf of themselves and all others
similarly situated,*

Plaintiffs,

v.

R. R. DONNELLEY & SONS COMPANY,

Defendant.

Case No. 1:22-cv-04260

JUDGE JOHN J. THARP, JR

**JOINT DECLARATION OF
PLAINTIFFS' COUNSEL IN
SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

1. We are counsel for Plaintiffs in the above-captioned case. This declaration supports Plaintiffs' Motion for Preliminary Approval of Class Action Settlement with Defendant, R.R. Donnelley & Sons Company ("Defendant" and together with Plaintiffs, "Parties"). A copy of the Settlement Agreement is attached as Exhibit A to Plaintiff's Memorandum of Law In Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement. This declaration explains the bases for the settlement, including the significant relief it affords the Settlement Class. We have personal knowledge of the facts in this declaration and could testify to them if called on to do so.

LITIGATION BACKGROUND

2. Plaintiffs are current and former employees of Defendant, their dependents, and other individuals affiliated with Defendant whose Private Information was allegedly compromised in the Data Incident. They sued Defendant to remediate the harm caused by the Data Incident.

3. Prior to filing these cases, Plaintiffs' counsel conducted extensive pre-suit discovery to ascertain all publicly available details about the cause, scope, and result of the data breach, as well as about the damages suffered by the Plaintiffs and the putative Class.

4. The parties exchanged extensive informal discovery into a number of areas, including, but not limited to, the putative class size and residence, number of individuals with SSNs impacted, forensic investigation(s) into the Data Incident, and Defendant's insurance coverage and/or ability to pay. Based on this informal discovery exchange, the parties were able to fully evaluate each side's respective positions on the merits and class certification.

5. The parties spent approximately three months negotiating the material terms of a class settlement of Plaintiffs' claims, ultimately reaching agreement on the material terms on May 9, 2023. The parties then worked to memorialize those terms in a full settlement agreement.

6. The negotiations were professional and courteous, but each side zealously advocated for their clients' position.

7. Only after the Parties negotiated the material terms of the Settlement did they address Plaintiffs' attorney fee and service award request, thus avoiding any conflict between Plaintiffs and the class. Indeed, the Parties negotiated in good faith and at "arm's length", achieving a result that compensates the class and ensures their relief.

COUNSEL’S RECOMMENDATION

8. Our collective years of experience in representing individuals in complex class actions—including data breach actions—informed Plaintiffs’ settlement position, and the needs of Plaintiffs and the proposed Settlement Class. While we believe in the merits of the claims brought in this case, we are also aware that a successful outcome is uncertain and would be achieved, if at all, only after prolonged, arduous litigation with the attendant risk of drawn-out appeals and the potential for no recovery at all. Based upon our collective substantial experience, it is our opinion that the proposed settlement of this matter provides significant relief to the members of the Settlement Class and warrants the Court’s preliminary approval. The settlement is well within the range of other data breach settlements in the relief that it provides.

9. Plaintiffs’ counsel believe that the Parties’ settlement is fair, reasonable, and adequate, and in the best interests of the members of the class.

10. This result is particularly favorable given the risks of continued litigation. Plaintiffs face serious risks prevailing on the merits, including proving causation, as well as risk at class certification and at trial, and surviving appeal. A settlement today not only avoids the risks of continued litigation, but it also provides a benefit to the member of the Settlement Class now as opposed to after years of risky litigation.

11. The Agreement’s benefits unquestionably provide a favorable result to the members of the settlement class, placing the Agreement well within the range of possible final approval and satisfying the requirements for preliminary approval, therefore, the Court should grant preliminary approval.

12. Additionally, the Notice program contemplated by the Agreement provides the best practicable method to reach the Settlement Class members and is consistent with other class action notice programs that have been approved by various courts for similarly situated matters.

13. Thus, Plaintiffs' counsel asks the Court to grant preliminary approval of the settlement agreement and enter the proposed preliminary approval order attached to the Settlement Agreement and filed with this motion.

SERVICE AWARDS

14. The Settlement Agreement also provides for a reasonable service award to each Plaintiff in the amount of \$3,000. The service award is meant to compensate Plaintiffs for their efforts which include maintaining contact with counsel, assisting in the investigation of the case, reviewing pleadings, remaining available for consultation throughout the mediations, answering counsel's many questions, and reviewing the Settlement Agreement.

15. Plaintiffs will seek the Court's approval of the requested attorneys' fees, costs and service awards prior to the Final Fairness Hearing by way of a separate motion.

COUNSEL'S QUALIFICATIONS¹

A. Turke & Strauss LLP

16. Turke and Strauss is a law firm in Madison, Wisconsin, that focuses on complex civil and commercial litigation with an emphasis on consumer protection, employment, wage and hour, business, real estate, and debtor-creditor matters.

17. Raina Borrelli, the principal attorney from Turke and Strauss assigned to this case, is a partner at Turke & Strauss LLP whose practice focuses on complex class action litigation, including data breach, Telephone Consumer Protection Act ("TCPA"), false advertising, and

¹ Copies of counsel's firm resumes are attached as Exhibit 1 to this declaration.

consumer protection cases in both state and federal courts around the country. Ms. Borrelli received her J.D. magna cum laude from the University of Minnesota Law School in 2011. Prior to joining Turke & Strauss, Ms. Borrelli was a partner at Gustafson Gluek, where she successfully prosecuted complex class actions in federal and state courts. Ms. Borrelli is an active member of the Minnesota Women's Lawyers and the Federal Bar Association, where she has assisted in the representation of pro se litigants through the Pro Se Project. Ms. Borrelli has repeatedly been named to the annual Minnesota "Rising Star" Super Lawyers list (2014-2021) by SuperLawyers Magazine. She has also been repeatedly certified as a North Star Lawyer by the Minnesota State Bar Association (2012-2015; 2018-2020) for providing a minimum of 50 hours of pro bono legal services. In recent years, Ms. Borrelli has been substantially involved in a number of complex class action matters in state and federal courts including: *Hudock v. LG Electronics USA, Inc.*, 16-cv-1220 (JRT/KMM) (D. Minn.); *Baldwin v. Miracle-Ear, Inc.*, 20-cv-01502 (JRT/HB) (D. Minn.); *In re FCA Monostable Gearshifts Litig.*, 16-md-02744 (E.D. Mich.); *Zeiger v. WellPet LLC*, 17-cv-04056 (N.D. Cal.); *Wyoming v. Procter & Gamble*, 15-cv-2101 (D. Minn.); *In re Big Heart Pet Brands Litig.*, 18-cv-00861 (N.D. Cal.); *Sullivan v. Fluidmaster*, 14-cv-05696 (N.D. Ill.); *Rice v. Electrolux Home Prod., Inc.*, 15-cv-00371 (M.D. Pa.); *Gorczynski v. Electrolux Home Products, Inc.*, 18-cv-10661 (D.N.J.); *Reitman v. Champion Petfoods*, 18-cv-1736 (C.D. Cal.); *Reynolds, et al., v. FCA US, LLC*, 19-cv-11745 (E.D. Mich.).

18. Ms. Borrelli has significant experience in data privacy litigation and is currently litigating more than fifty data breach cases in courts around the country as lead counsel or co-counsel on behalf of millions of data breach victims, including *In re Netgain Tech. Consumer Data Breach Litig.*, 21-cv-1210 (D. Minn.) (appointed by the court to the Plaintiffs' Interim Executive Committee); *In re C.R. England, Inc. Data Breach Litig.*, 2:22-cv-374-DAK-JCB (appointed by

the court has Interim Co-Lead Counsel); *Medina et al. v. PracticeMax Inc.*, 22-cv-01261-DLR (D. Ariz.) (appointed to Executive Leadership Committee); *Forslund et al. v. R.R. Donnelley & Sons Co.*, 1:22-cv-04260 (N.D. Ill.) (appointed as interim co-lead class counsel); *In re Lincare Holdings, Inc. Data Breach Litig.*, 8:22-cv-01472 (M.D. Fla.) (appointed to Interim Executive Leadership Committee); *McLaughlin v. Flagstar*, 22-cv-11470 (E.D. Mich.); *Corra et al. v. Acts Retirement Services, Inc.*, 2:22-cv-02917 (E.D. Pa.); *Grogan v. McGrath RentCorp., Inc.*, 22-cv-490 (N.D. Cal.); *Goetz v. Benefit Recovery Specialists, Inc.*, Case No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.) (data breach settlement on behalf of 500,000 breach victims); *Kunkelman v. Curators of the University of Missouri, d/b/a MU Health Care*, Case No. 21BA-CV00182 (Mo. Cir. Ct., Boone Cty.); *Baldwin v. Nat'l Western Life Ins. Co.*, 21-cv-04066-WJE (W.D. Mo.) (settlement on behalf of 800,000 data breach victims).

B. Milberg Coleman Bryson Phillips Grossman, PLLC

19. Gary Klinger and Milberg Coleman Bryson Phillips Grossman PLLC are well qualified to serve as Settlement Class Counsel. Milberg Attorneys have served as Lead Counsel, Co-Counsel, or Class Counsel on hundreds of complicated and complex class actions. With respect to privacy cases, Milberg is presently litigating more than fifty (50) cases across the country involving violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, privacy violations, data breaches and ransomware attacks. Milberg Attorneys have served as Lead Counsel, Co-Counsel or Class Counsel on data breach and privacy litigations, including *In re Blackbaud, Inc. Consumer Data Security Breach Litigation*, MDL 2972, Case No. 3:20-mn-02972 (D.S.C. 2020) (appointed co-lead counsel; case on-going). Mr. Klinger has settled on a class-wide basis more than forty class actions, the majority of which were privacy cases, as lead or co-lead counsel recovering more than a hundred million dollars for consumers in the process. Some of Mr.

Klinger's representative cases include the following: *Carrera Aguallo v. Kemper Corp.*, Case No. 1:21-cv-01883 (N.D. Ill. Oct. 27, 2021) (where Mr. Klinger obtained final approval of a class-wide settlement valued at \$17.6 million for a major class action involving more than six million consumers); *Heath v. Insurance Technologies Corp.*, No. 21-cv-01444 (N.D. Tex.) (where Mr. Klinger obtained approval of a class-wide settlement for \$11 million); *In Re: Procter & Gamble Aerosol Products Marketing and Sales Practices Litigation*, 2:22-md-03025-MHW-CMV (N.D. Ohio) (where Mr. Klinger serves as one of the lead attorneys in multi-district litigation against Procter & Gamble and successfully reached a settlement valued over \$10 million); *Smid v. Nutranext, LLC*, Case No. 20L0190 (Cir. Ct. St. Clair, County) (class counsel in consumer class action involving heavy metals in prenatal vitamins; final approval granted to \$7M settlement); *In re: Herff Jones Data Breach Litigation*, Master File No. 1:21-cv-1329-TWP-DLP (S.D. Ind.) (where Mr. Klinger obtained approval of a class-wide settlement for \$4.35 million); *In re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523-OLG (W.D. Tex.) (where Mr. Klinger obtained approval of a class-wide settlement for \$4.75 million); and, *In re Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D. Ill.) (where Mr. Klinger serves as appointed co-lead counsel to represent more than 3 million class members in a major class action).

C. The Lyon Firm, LLC

20. Joseph M. Lyon is the founding and sole member of The Lyon Firm, LLC. He has represented thousands of individual clients in over 47 MDL proceedings. Mr. Lyon has also served, and is serving, as Class Counsel, on Executive and Steering Committees, and as plaintiffs' counsel in over 60 class actions, including over 30 data breach cases, many of which include cases involving similar data security issues and claims brought in this matter. Mr. Lyon's experience in specific data breach cases includes, among others: *Hawkins v. Navy Federal Credit Union*, Case

No: 1:19-cv-01186 (U.S District Court, E.D. of VA) (Final Approval of \$9.25 million nationwide non-reversionary common fund settlement for TCPA violations); *Devine v. Health Aid of Ohio*, Case No: CV-21-948117(Cuyahoga County) (Final Approval granted in data breach class action for claims made settlement valued at \$12.5 million); *In Re Southern Ohio Health System Data Breach*, Case No:A210886 (Hamilton County, OH) (Final Approval granted for nationwide non-reversionary common fund settlement of \$1.95 million); *Migliaccio v. Parker Hannifin Corp.*, Case No. 1:22-cv-00835 (U.S. District Court, N.D. of OH)(Interim Class Counsel in data breach class action impacting over 100,00 current and former employees); *Alvarado v. JDC Healthcare Management, LLC*, Case No. DC-22-03137 (Dallas County, TX) (Interim Class Counsel in data breach action impacting over a million dental patients); *Forslund v. R.R. Donnelley & Sons Co.*, Case No: 1:22-cv-04260 (U.S. District Court, N.D. of IL) (Interim Class Counsel in data breach impacting over 100,000 customers); and *Rodriquez v. Professional Finance Co., Inc.*, Case No: 1:22-cv-01679 (U.S. District Court, Dist. of CO) (Interim Class Counsel in data breach action impacting over a million customers).

We declare signed under penalty of perjury of the United States of America that the foregoing is true and correct.

Executed on July 28, 2023

/s/ Raina Borrelli

Raina C. Borrelli

TURKE & STRAUSS LLP

PRO HAC VICE PENDING

613 Williamson St., Suite 201

Madison, WI 53703

Email: raina@turkestrauss.com

/s/ Gary M. Klinger

Gary M. Klinger (6303726)

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

227 W. Monroe Street, Suite 2100

Chicago, IL 60606

Email: gklinger@milberg.com

/s/ Joseph M. Lyon

Joseph M. Lyon

THE LYON FIRM, LLC

2754 Erie Avenue

Cincinnati, OH 45208

Email: jlyon@thelyonfirm.com

EXHIBIT 1

Turke & Strauss LLP

613 Williamson Street, Suite 201
Madison, Wisconsin 53703
P: 608.237.1775
F: 608.237.4423
www.turkestrauss.com

EXHIBIT
B

Our Firm

Turke & Strauss is a law firm based in Madison, Wisconsin that focuses on complex civil and commercial litigation with an emphasis on consumer protection, data privacy, data breach, employment, wage and hour, business, and real estate matters. The attorneys of Turkey & Strauss have extensive experience in complex litigation, including class actions. The attorneys of Turkey & Strauss have prosecuted a variety of multi-million-dollar consumer fraud, product defect, privacy, and antitrust class actions and served as class counsel in cases at the federal level. The defendants in these cases have included companies such as Wells Fargo Bank, N.A., LG Electronics U.S.A., Inc., The Clorox Company, Best Buy, Monsanto Company, Kimpton Hotel & Restaurant Group, LLC, Stearns Lending, LLC, Fiat Chrysler Automobiles, and American Power & Gas.

Our Cases

CONSUMER PROTECTION

Fowler, et al. v. Wells Fargo Bank, N.A. (N.D. Cal.)

Filed on behalf of consumers who were overcharged fees on FHA mortgages. The case settled on a class-wide basis for \$30,000,000 in 2018, and final approval was granted in January 2019.

Walters v. Kimpton Hotel & Restaurant Group, LLP

Filed on behalf of consumers whose private information and personal identifiable information, including credit and debit card numbers, names, mailing addresses, and other personal information, was compromised and stolen from Kimpton Hotel & Restaurant Group by hackers. The case settled on a class-wide basis in 2018, and final approval was granted in July 2019.

Jones, et al. v. Monsanto Company (W.D. Mo.)

Filed on behalf of individuals who purchased mislabeled RoundUp® products. The case settled on a class-wide basis in 2020 for \$39,550,000. Final approval was granted in May 2021 and the case is currently on appeal to the United States Court of Appeals for the Eight Circuit.

Crawford, et al. v. FCA US LLC (E.D. Mich.)

Filed on behalf of consumers who purchased or leased Dodge Ram 1500 and 1500 Classic vehicles equipped with 3.0L EcoDiesel engines between 2013 and 2019. Plaintiffs allege unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of vehicles with allegedly defective EGR coolers. This case is currently pending in the United States District Court for the Eastern District of Michigan.

In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation (N.D. Cal.)

Filed on behalf of consumers against Fiat Chrysler and Bosch alleging unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of certain EcoDiesel vehicles. The class contained over 100,000 vehicles, including 2014-2016 model-year Jeep Grand Cherokees and Dodge Ram 1500 trucks that were allegedly outfitted with devices that masked actual emission levels. The case settled on a class-wide basis for \$307,500,000, and final approval was granted in May 2019.

Rolland, et al. v. Spark Energy, LLC (D.N.J.)

Filed on behalf of consumers who were forced to pay considerably more for their electricity than they should otherwise have paid due to Spark Energy's deceptive pricing practices. Plaintiff alleges that Spark Energy engages in a bait-and-switch deceptive marketing scheme luring consumers to switch utility companies by offering lower than local utility rates. These lower rates are fixed for only a limited number of months and then switch to a variable market rate that is significantly higher than the rates local utilities charge. This case is currently pending in the United States District Court for the District of New Jersey.

Haines v. Washington Trust Bank (Wash. Sup. Ct., King Cty.)

Turke & Strauss represents consumers who were charged \$35 overdraft fees by Washington Trust Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Washington Trust Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and is final approval was granted in November 2021.

Pryor v. Eastern Bank (Mass. Sup. Ct., Suffolk Cty.)

Turke & Strauss represents consumers who were charged \$35 overdraft fees by Eastern Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Eastern Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and final approval was granted in March 2021.

Benanav, et al. v. Healthy Paws Pet Insurance LLC (W.D. Wash.)

Turke & Strauss represents consumers who were deceived by Healthy Paws Pet Insurance, an insurance provider that markets and administers pet insurance policies, regarding the true cost of its pet insurance policies. Plaintiffs allege that purchasers of Healthy Paws Pet Insurance's policies found that their policy premiums increased drastically from year to year, at a rate far outpacing the general costs of veterinary medicine, despite Healthy Paws Pet Insurance's representations to the contrary. This case is currently pending in the United States District Court for the Western District of Washington.

Klaehn, et al. v. Cali Bamboo, LLC (N.D. Cal.)

Turke & Strauss represents consumers who purchased Cali Bamboo's bamboo flooring that is subject to premature cracking, splitting, bowing, warping, and shrinking despite the company's representations that its product meets industry standards and has a 50-year warranty for consumer use. Plaintiffs allege violations of the California Legal Remedies Act and the California Unfair Competition Law as well as claims for breaches of implied and express warranty due to Cali

Bamboo's defective bamboo flooring. This case is currently on appeal to the United States Court of Appeals for the Ninth Circuit.

DATA BREACH

Reetz v. Advocate Aurora Health, Inc. (Wis. Cir. Ct., Milwaukee Cty.)

Filed on behalf of employees of Aurora Advocate Health, the 10th largest not-for-profit integrated health care system in the United States, whose personally identifiable information was breached and stolen through an email phishing campaign beginning in January 2020. Many of these individuals have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently on appeal to the Wisconsin Court of Appeals.

Goetz v. Benefit Recovery Specialists, Inc. (Wis. Cir. Ct., Walworth Cty.)

Turke & Strauss represents a class of consumers whose personal health information was compromised and stolen from Benefit Recovery Specialists, Inc., a Houston-based billing and collections services firm that provides billing and collection services to healthcare providers across the country. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled on a class-wide basis in 2021 and is final approval is pending in the Circuit Court of Walworth County, Wisconsin.

Kunkelman v. The Curators of The University of Missouri d/b/a MU Health Care (Mo. Cir. Ct., Boone Cty.)

Turke & Strauss represents a class of consumers whose personal health information, including names, dates of birth, social security numbers, medical record numbers, health insurance information, and treatment or clinical information, was compromised and stolen from University of Missouri Health Care. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in the Circuit Court of Boone County, Missouri.

DATA PRIVACY

Patterson v. Respondus, Inc., et al. (N.D. Ill.) and Bridges v. Respondus, Inc., et al. (N.D. Ill.)

Filed on behalf of all persons who took an exam using Respondus' online exam proctoring software, Respondus Monitor, in the state of Illinois. Plaintiffs allege that Respondus collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Both cases are currently pending in the United States District Court for the Northern District of Illinois.

Duerr, et al. v. Bradley University (C.D. Ill.)

Turke & Strauss represents a class of Bradley University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiffs allege that Bradley University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case is currently pending in the United States District Court for the Central District of Illinois.

Powell v. DePaul University (N.D. Ill.)

Turke & Strauss represents a class of DePaul University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleges that DePaul University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case is currently pending in the United States District Court for the Northern District of Illinois.

Doe v. Chamberlain University (Il. Cir. Ct., Cook Cty.)

Turke & Strauss represents a class of Chamberlain University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleges that Chamberlain University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case is currently pending in the Circuit Court of Cook County, Illinois.

Fee v. Illinois Institute of Technology (N.D. Ill.)

Turke & Strauss represents a class of DePaul University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleges that DePaul University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case is currently pending in the United States District Court for the Northern District of Illinois.

Harvey v. Resurrection University (N.D. Ill.)

Turke & Strauss represents a class of Resurrection University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleges that Resurrection University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case is currently pending in the United States District Court for the Northern District of Illinois.

TELEPHONE CONSUMER PROTECTION ACT

Evans v. American Power & Gas, LLC, et al. (S.D. Ohio)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$6,000,000, and final approval was granted in May 2019.

Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh (D. Mass.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$14,000,000 in 2020. Final approval was granted in October 2021 and the case is currently on appeal to the United States Court of Appeals for the First Circuit.

Baldwin, et al. v. Miracle-Ear, Inc., et al. (D. Minn.)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis in 2021 and preliminary approval is pending in the United States District Court for the District of Minnesota.

Goodell, et al. v. Van Tuyl Group, LLC (D. Az.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the District of Arizona.

Dickson v. Direct Energy, LP, et al. (N.D. Ohio)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Northern District of Ohio.

Clemons v. O'Neil Insurance Company, Inc., et al. (E.D. Mo.)

Filed on behalf of consumers who received telemarketing telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Eastern District of Missouri.

Our Professionals

SAMUEL J. STRAUSS

Samuel J. Strauss is a founding member of Turke & Strauss LLP. Mr. Strauss concentrates his practice in class action litigation with an emphasis on consumer protection and privacy issues. Mr. Strauss has a national practice and appears in federal courts across the country. Over the course of his career, Mr. Strauss has represented plaintiffs in cases which have resulted in the recovery of hundreds of millions of dollars for consumers.

Mr. Strauss received his J.D. with honors from the University of Washington School of Law in 2013. Prior to forming Turke & Strauss in 2016, Mr. Strauss was an associate at Terrell Marshall Law Group in Seattle, Washington, where he successfully prosecuted complex class actions in federal and state courts.

Mr. Strauss is a member of bars of the states of Washington, Wisconsin, and Illinois and has been admitted to practice in the United States District Court for the Western District of Washington, United States District Court for the Eastern District of Washington, United States District Court for the Western District of Wisconsin, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Northern District of Illinois, the United States District Court for the Eastern District of Michigan, and the United States Court of Appeals for the Ninth Circuit.

In recent years, Mr. Strauss has been actively involved in a number of complex class action matters in state and federal courts including:

- *Murray v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, Case No. 19-cv-12608 (D. Mass.)
- *Baldwin v. Miracle-Ear, Inc.*, Case No. 20-cv-01502 (D. Minn.)
- *Goodell v. Van Tuyl Group, LLC*, Case No. 20-cv-01657 (D. Az.)
- *Weister v. Vantage Point AI, LLC*, Case No. 21-cv-01250 (M.D. Fla.).
- *Rose v. New TSI Holdings, Inc.*, Case No. 21-cv-05519 (S.D. N.Y.)
- *Lang v. Colonial Penn Life Insurance Company*, Case No. 21-cv-00165 (N.D. Fla.)
- *Clemens v. O'Neil Insurance Company, Inc.*, Case No. 21-cv-00678 (E.D. Mo.)
- *Boshears v. PeopleConnect, Inc.*, Case No. 21-cv-01222 (W.D. Wash.)
- *Martinez v. ZoomInfo Technologies Inc.*, Case No. 21-cv-05725 (W.D. Wash.)

- *Uhhariet v. MyLife.com, Inc.*, Case No. 21-cv-08229 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, Case No. 21-cv-08976 (N.D. Cal.)
- *Patterson v. Respondus, Inc.*, Case No. 20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus, Inc.*, Case No. 21-cv-01785 (N.D. Ill.)
- *Hudock v. LG Electronics USA, Inc.*, Case No. 16-cv-1220 (D. Minn.)
- *Crawford v. FCA US LLC*, Case No. 20-cv-12341 (E.D. Mich.)
- *Klaehn, et al. v. Cali Bamboo, LLC*, Case No. 19-cv-01498 (S.D. Cal.)
- *Jones v. Monsanto Company*, Case No. 19-cv-00102 (W.D. Mo.)
- *Dickson v. Direct Energy, LP, et al.*, Case No. 18-cv-00182 (N.D. Ohio)
- *Rolland v. Spark Energy, LLC*, Case No. 17-cv-02680 (D.N.J.)
- *Evans v. American Power & Gas, LLC*, Case No. 17-cv-00515 (S.D. Ohio)
- *Fowler v. Wells Fargo Bank, N.A.*, Case No. 17-cv-02092 (N.D. Cal.)
- *Wilkins v. HSBC Bank Nevada, N.A., et al.*, Case No. 14-cv-00190 (N.D. Ill.)
- *Ott v. Mortgage Investors Corporation*, Case No. 14-cv-00645 (D. Or)
- *Booth v. AppStack, et al.*, Case No. 13-cv-01533 (W.D. Wash.)
- *Melito v. American Eagle Outfitters, Inc.*, Case No. 14-cv-02440-VEC (S.D.N.Y.)
- *Spencer v. FedEx Ground Package System, Inc.*, Case No. 14-2-30110-3 SEA (Wa. Sup. Ct., King Cty.)

MARY C. TURKE

Mary C. Turke is a founding member of Turke & Strauss. Ms. Turke concentrates her practice in civil and commercial litigation. Ms. Turke regularly prosecutes consumer class actions, including those involving violations of the Illinois Biometric Information Privacy Act and the Telephone Consumer Protection Act. Mr. Turke has extensive experience representing parties in multi-national disputes in both state and federal courts throughout the United States.

Ms. Turke received her J.D. *cum laude* from the University of Wisconsin Law School, Order of the Coif, in 1996. Prior to forming Turke & Strauss in May 2016, Ms. Turke was the managing partner of the Madison, Wisconsin, office of Michel Best & Friedrich LLP, where she practiced civil litigation. Ms. Turke is an active member of the Wisconsin State Bar. Ms. Turke has repeatedly been named to the annual Wisconsin Super Lawyers list (2011-2021) by SuperLawyers Magazine as well as The Best Lawyers in America® list (2013-2020) by Woodward/White, Inc. In 2017, shortly after forming Turke & Strauss, Ms. Turke received the Legal Innovator Award from the Wisconsin State Bar.

Ms. Turke is a member of the Wisconsin State Bar and has been admitted to practice in the United States District Court for the Western District of Wisconsin, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Northern District of Illinois, the United States District Court for the District of Colorado, and the United States Court of Appeals for the Seventh Circuit.

In recent years, Ms. Turke has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Patterson v. Respondus, Inc.*, Case No. 1:20-cv-07692 (N.D. Ill.)
- *Reetz v. Advocate Aurora Health, Inc.*, Case No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, Case No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Murray v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, Case No. 1:19-cv-12608 (D. Mass.)
- *Goodell, et al. v. Van Tuyl Group, LLC*, Case No. 2:20-cv-01657 (D. Az.)
- *Doe v. Northwestern University*, Case No. 1:21-cv-01579 (N.D. Ill.)
- *Duerr v. Bradley University*, Case No. 1:21-cv-01096-SLD-JEH (C.D. Ill.)
- *Bridges v. Respondus, Inc.*, Case No. 1:21-cv-01785 (N.D. Ill.)

- *Powell v. DePaul University*, Case No. 1:21-cv-03001 (N.D. Ill.)
- *Doe v. Chamberlain University*, Case No. 2021CH01183 (Ill. Cir. Ct., Cook Cty.)
- *Fee v. Illinois Institute of Technology*, Case No. 1:21-cv-02512 (N.D. Ill.)
- *Harvey v. Resurrection University*, Case No. 1:21-cv-03203 (N.D. Ill.)

RAINA C. BORRELLI

Raina C. Borrelli is a partner at Turke & Strauss whose practice focuses on complex class action litigation, including data-breach, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Ms. Borrelli has substantial experience leading discovery teams in these complex class action matters, as well as in working with class damages experts and class damages models in consumer protection cases.

Ms. Borrelli received her J.D. *magna cum laude* from the University of Minnesota Law School in 2011. Prior to joining Turke & Strauss, Ms. Borrelli was a partner at Gustafson Gluek, where she successfully prosecuted complex class actions in federal and state courts. Ms. Borrelli is an active member of the Minnesota Women's Lawyers and the Federal Bar Association, where she has assisted in the representation of *pro se* litigants through the *Pro Se* Project. Ms. Borrelli has repeatedly been named to the annual Minnesota "Rising Star" Super Lawyers list (2014-2021) by SuperLawyers Magazine. She has also been repeatedly certified as a North Star Lawyer by the Minnesota State Bar Association (2012-2015; 2018-2020) for providing a minimum of 50 hours of pro bono legal services.

Ms. Borrelli is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Eastern District of Michigan, the United States District Court for the Northern District of Illinois, and the United States Court of Appeals for the Tenth Circuit.

In recent years, Ms. Borrelli has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Baldwin v. Miracle-Ear, Inc.*, Case No. 20-cv-01502 (D. Minn.)
- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, Case No. 1:19-cv-12608 (D. Mass.)
- *Goodell v. Van Tuyl Group, LLC*, Case No. 20-cv-01657 (D. Az.)
- *Rose v. New TSI Holdings, Inc.*, Case No. 21-cv-05519 (S.D. N.Y.)
- *Lang v. Colonial Penn Life Insurance Company*, Case No. 21-cv-00165 (N.D. Fla.)
- *Clemens v. O'Neil Insurance Company, Inc.*, Case No. 21-cv-00678 (E.D. Mo.)
- *In re Netgain Technology, LLC Consumer Data Breach Litigation*, Case No.

21-cv-01210 (D. Minn.)

- *Martinez v. ZoomInfo Technologies Inc.*, Case No. 21-cv-05725 (W.D. Wash.)
- *Boshears v. PeopleConnect, Inc.*, Case No. 21-cv-01222 (W.D. Wash.)
- *Patterson v. Respondus, Inc.*, Case No. 1:20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus, Inc., et al.*, Case No. 1:21-cv-01785 (N.D. Ill.)
- *Hudock v. LG Electronics USA, Inc.*, Case No. 16-cv-1220 (JRT/KMM) (D. Minn.)
- *Reetz v. Advocate Aurora Health, Inc.*, Case No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, Case No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Kunkelman v. Curators of the University of Missouri, d/b/a MU Health Care*, Case No. 21BA-CV00182 (Mo. Cir. Ct., Boone Cty.)
- *Reese v. Teen Challenge Training Center, Inc.*, Case No. 00093 (Philadelphia Ct. Common Pleas)
- *Duerr, et al. v. Bradley University*, Case No. 1:21-cv-01096-SLD-JEH (C.D. Ill.)
- *Powell v. DePaul University*, Case No. 1:21-cv-03001 (N.D. Ill.)
- *Doe v. Chamberlain University*, Case No. 2021CH01183 (Ill. Cir. Ct., Cook Cty.)
- *Fee v. Illinois Institute of Technology*, Case No. 1:21-cv-02512 (N.D. Ill.)
- *Harvey v. Resurrection University*, Case No. 1:21-cv-03203 (N.D. Ill.)
- *In re FCA Monostable Gearshifts Litig.*, Case No. 16-md-02744 (E.D. Mich.)
- *Zeiger v. WellPet LLC*, Case No. 17-cv-04056 (N.D. Cal.)
- *Wyoming v. Procter & Gamble*, Case No. 15-cv-2101 (D. Minn.)
- *In re Big Heart Pet Brands Litig.*, Case No. 18-cv-00861 (N.D. Cal.)
- *Sullivan v. Fluidmaster*, Case No. 14-cv-05696 (N.D. Ill.)
- *Rice v. Electrolux Home Prod., Inc.*, Case No. 15-cv-00371 (M.D. Pa.)
- *Gorczynski v. Electrolux Home Products, Inc.*, Case No. 18-cv-10661 (D.N.J.)
- *Reitman v. Champion Petfoods*, Case No. 18-cv-1736 (C.D. Cal.)
- *Reynolds, et al., v. FCA US, LLC*, Case No. 19-cv-11745 (E.D. Mich.)

BRITTANY RESCH

Brittany Resch is an associate at Turke & Strauss. Ms. Resch's practice focuses on complex class action litigation, including antitrust litigation, data-breach, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Ms. Resch has substantial experience managing discovery in these complex class action matters.

Ms. Resch received her J.D. from the University of Minnesota Law School in 2015. Prior to joining Turke & Strauss, Ms. Resch was an associate at Gustafson Gluek, where she successfully prosecuted complex class actions in federal and state courts. Ms. Resch also clerked for the Honorable Richard H. Kyle, Senior United States District Judge for the District of Minnesota. Ms. Resch is an active member of the Minnesota Women's Lawyers and the Federal Bar Association, where she has assisted in the representation of *pro se* litigants through the *Pro Se* Project.

Ms. Resch is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota.

In recent years, Ms. Resch has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Goodell v. Van Tuyl Group, LLC*, Case No. 20-cv-01657 (D. Az.)
- *Clemens v. O'Neil Insurance Company, Inc.*, Case No. 21-cv-00678 (E.D. Mo.)
- *Benedetto v. Southeastern Pennsylvania Transportation Authority*, Case No. 210201425 (C.C.P. Phila.)
- *Boshears v. PeopleConnect, Inc.*, Case No. 21-cv-01222 (W.D. Wash.)
- *Martinez v. ZoomInfo Technologies Inc.*, Case No. 21-cv-05725 (W.D. Wash.)
- *Uhhariet v. MyLife.com, Inc.*, Case No. 21-cv-08229 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, Case No. 21-cv-08976 (N.D. Cal.)
- *Mackey v. PeopleConnect, Inc.*, Case No. 22-cv-00342 (N.D. Ill.)
- *DeBose v. Dun & Bradstreet Holdings, Inc.*, Case No. 22-cv-00209 (D. N.J.)
- *Emmrich v. General Motors LLC*, Case No. 21-cv-05990 (N.D. Ill.)
- *Spindler v. General Motors LLC*, Case No. 21-cv-09311 (N.D. Cal.)
- *Patterson v. Respondus University, et al.*, Case No. 1:20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus University, et al.*, Case No. 1:21-cv-01785 (N.D. Ill.)
- *Hudock v. LG Electronics USA, Inc.*, Case No. 16-cv-1220 (JRT/KMM) (D.

Minn.)

- *Benanav, et al. v. Healthy Paws Pet Insurance, LLC*, Case No. 2:20-cv-00421-RSM (W.D. Wash.)
- *In re Broiler Chicken Antitrust Litigation*, Case No. 16-cv-08637 (N.D. Ill.)
- *In re Disposable Contact Lens Antitrust Litigation*, Case No. 15-md-02626 (M.D. Fla.)
- *In re Pork Antitrust Litigation*, Case No. 21-md-02998 (D. Minn.)
- *In re DPP Beef Litigation*,
- *In re Asacol Antitrust Litigation*, Case No. 15-cv-12730 (D. Mass.)
- *In re Automotive Parts Antitrust Litigation*, Case No. 12-md-02311 (E.D. Mich.)

ALEX S. PHILLIPS

Alex Phillips is an associate at Turke & Strauss. Mr. Phillips concentrates his practice in complex class action litigation and commercial litigation. He has represented both plaintiffs and defendants in high stakes litigation. Mr. Phillips has successfully obtained trial verdicts on behalf of his clients as well as negotiated numerous high-value settlements.

Mr. Phillips received his J.D. from the University of Wisconsin School of Law in 2017 and has been an active member of the Wisconsin State Bar as well as the Dane, Jefferson, and Dodge County Bar Associations.

In recent years, Mr. Phillips has been involved in a number of complex class action matters in state and federal courts including:

- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, Case No. 1:19-cv-12608 (D. Mass.)
- *Spindler v. General Motors LLC*, Case No. 21-cv-09311 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, Case No. 21-cv-08976 (N.D. Cal.)
- *Reetz v. Advocate Aurora Health, Inc.*, Case No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, Case No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Hudock v. LG Electronics USA, Inc.*, Case No. 16-cv-1220 (D. Minn.)
- *Dickson v. Direct Energy, LP, et al.*, Case No. 18-cv-00182 (N.D. Ohio)
- *Benanav, et al. v. Healthy Paws Pet Insurance, LLC*, Case No. 20-cv-00421 (W.D. Wash.)
- *Klaehn, et al. v. Cali Bamboo, LLC, et al.*, Case No. 19-cv-01498 (S.D. Cal.)
- *Sundermann v. Ryan Rolf*, Case No. 19-cv-00140 (S.D. Iowa)
- *Rugg v. Johnson & Johnson Consumer, Inc.*, Case No. 17-cv-05010 (N.D. Cal.)
- *Mackey v. IDT Energy, Inc.*, Case No. 18-cv-06756 (N.D. Ill.)

ZOG BEGOLLI

Zog Begolli is an associate at Turke & Strauss. Mr. Begolli concentrates his practice in complex class action litigation, with an emphasis on cases involving the Telephone Consumer Protection Act, the Illinois Biometric Information Privacy Act, various states' consumer protection acts, and financial industry regulations.

Mr. Begolli received his J.D. from the University of Wisconsin School of Law in 2017 and is an active member of the Wisconsin State Bar. During law school, Mr. Begolli was a member of the University of Wisconsin Law and Entrepreneurship Clinic, which provides legal services to nascent entrepreneurs and early stage companies.

In recent years, Mr. Begolli has been actively involved in a number of complex class action matters in state and federal courts including:

- *Baldwin v. Miracle-Ear, Inc.*, Case No. 20-cv-01502 (JRT/HB) (D. Minn.)
- *Murray v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, Case No. 19-cv-12608 (D. Mass.)
- *Patterson v. Respondus, Inc.*, Case No. 1:20-cv-07692 (N.D. Ill.)
- *Reetz v. Advocate Aurora Health, Inc.*, Case No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, Case No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Reese v. Teen Challenge Training Center, Inc.*, Case No. 00093 (Philadelphia Ct. Common Pleas)
- *Crawford, et al. v. FCA US LLC*, Case No. 20-cv-12341 (E.D. Mich.)
- *Hudock v. LG Electronics USA, Inc.*, Case No. 16-cv-1220 (D. Minn.)
- *Klaehn, et al. v. Cali Bamboo, LLC, et al.*, Case No. 19-cv-01498 (S.D. Cal.)
- *Fowler, et al. v. Wells Fargo Bank, N.A.*, Case No. 17-cv-02092 (N.D. Cal.)



Gary M. Klinger is a Partner at Milberg Coleman Bryson Phillips Grossman PLLC ("Milberg").¹ At only 37-years old, Mr. Klinger has gained extensive experience serving as leadership in numerous high-profile consumer and privacy class actions. Notably, Mr. Klinger has settled on a class-wide basis more than forty class actions, the majority of which were privacy cases, as lead or co-lead counsel recovering more than a hundred million dollars for consumers in the process. Some of Mr. Klinger's representative cases include the following:

- *Carrera Aguallo v. Kemper Corp.*, Case No. 1:21-cv-01883 (N.D. Ill. Oct. 27, 2021) (where Mr. Klinger obtained final approval of a class-wide settlement valued at \$17.6 million for a major class action involving more than six million consumers);
- *Heath v. Insurance Technologies Corp.*, No. 21-cv-01444 (N.D. Tex.) (where Mr. Klinger obtained approval of a class-wide settlement for \$11 million);
- *In Re: Procter & Gamble Aerosol Products Marketing and Sales Practices Litigation*, 2:22-md-03025-MHW-CMV (N.D. Ohio) (where Mr. Klinger serves as one of the lead attorneys in multi-district litigation against Procter & Gamble and successfully reached a settlement valued over \$10 million);
- *Smid v. Nutranext, LLC*, Case No. 20L0190 (Cir. Ct. St. Clair, County) (class counsel in consumer class action involving heavy metals in prenatal vitamins; final approval granted to \$7M settlement)
- *In re: Herff Jones Data Breach Litigation*, Master File No. 1:21-cv-1329-TWP-DLP (S.D. Ind.) (where Mr. Klinger obtained approval of a class-wide settlement for \$4.35 million);
- *In re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523-OLG (W.D. Tex.) (where Mr. Klinger obtained approval of a class-wide settlement for \$4.75 million);
- *In re Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D. Ill.) (where Mr. Klinger serves as appointed co-lead counsel to represent more than 3 million class members in a major class action).

Mr. Klinger has also successfully litigated class actions through contested class certification. In *Karpilovsky v. All Web Leads, Inc.*, No. 17 C 1307, 2018 WL 3108884, at *1 (N.D. Ill. June 25, 2018), Mr. Klinger certified, over objection, a nationwide privacy class action involving more than one million class members. *Id.* At the time, it was the largest litigation class ever to be certified for violations of the Telephone Consumer Protection Act. In a nationwide class settlement hearing in the U.S. District Court for the Northern District of California, Judge Richard Seeborg personally commended Mr. Klinger for "quite a substantial recovery for class members." Judge Seeborg further stated he could not recall any class action case where "the amounts going to each class member were as substantial" as that obtained by Mr. Klinger (and his co-counsel).

Mr. Klinger is admitted to practice in the State of Illinois and the following federal courts: The U.S. District Court of Colorado, The U.S. District Court of Central District of Illinois, The U.S.

¹ A copy of Milberg's Firm Resume is attached hereto as Exhibit A.

District Court of Northern District of Illinois, The U.S. District Court of Southern District of Illinois, The U.S. District Court of Southern District of Indiana, The U.S. District Court of Eastern District of Michigan, The U.S. District Court of District of Nebraska, The U.S. District Court of Eastern District of Texas, and The U.S. District Court of Eastern District of Wisconsin.

Mr. Klinger received his undergraduate degree and juris doctorate (*cum laude*) from the University of Illinois.

Mr. Klinger is presently pursuing his Masters of Laws (LLM) in Data Privacy and Cybersecurity from the University of Southern California Gould School of Law.

Mr. Klinger is also a member of the International Association of Privacy Professionals.



FIRM RESUME

WHO WE ARE

Established by members of Milberg Phillips Grossman LLP, Sanders Phillips Grossman LLC, Greg Coleman Law PC, and Whitfield Bryson LLP, the firm represents plaintiffs in the areas of antitrust, securities, financial fraud, consumer protection, automobile emissions claims, defective drugs and devices, environmental litigation, financial and insurance litigation, and cyber law and security.

For over 50 years, Milberg and its affiliates have been protecting victims' rights and have recovered over \$50 billion for our clients. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride ourselves on providing stellar client service. We have repeatedly been recognized as leaders in the plaintiffs' bar and appointed to leadership roles in prominent mass torts and class actions.

Milberg challenges corporate wrongdoing through class action, mass tort, consumer and shareholder rights services, both domestically and globally.

Milberg's previous litigation efforts helped to create a new era of corporate accountability that put big companies on notice. The strategic combination of four leading plaintiffs' firms offers clients expanded capabilities, greater geographical coverage, enhanced financial breadth, and increased operational capacity. It also enables the firm to serve diverse and global clients who are seeking to enforce their rights against well-financed corporations - wherever they operate.

www.milberg.com

PRACTICE AREAS

ANTITRUST & COMPETITION LAW

Today, on a global scale, consolidated corporate entities exercise dominating market power, but proper enforcement of antitrust law ensures a fair, competitive marketplace. Milberg prosecutes complex antitrust class actions against large, well-funded corporate defendants in healthcare, technology, agriculture, and manufacturing. Our leading practitioners successfully represent plaintiffs affected by price-fixing, monopolization, monopoly leveraging tying arrangements, exclusive dealing, and refusals to deal. The firm continues aggressively vindicating rights of plaintiffs victimized by antitrust violations, holding companies accountable for anticompetitive behavior.

COMPLEX LITIGATION

With 50 years of vetted success, Milberg handles complex, high-stakes cases at any stage of the litigation process. Our attorneys have experience litigating complex cases for businesses and plaintiffs outside of the class action context, including business torts, contract disputes, anti-SLAPP motions, corporations, LLCs, partnerships, real estate, and intellectual property.

CONSUMER PRODUCTS

Milberg's consumer litigation group focuses on protecting victims of deceptive marketing and advertising of goods and services, or those who have bought defective products. Our attorneys are experienced in handling a wide array of consumer protection lawsuits, including breach of contract, failure to warn, false or deceptive advertising of goods and services, faulty, dangerous, or defective products, warranty claims and unfair trade practices cases. Milberg has achieved real-world recoveries for clients, often requiring corporations to change the way they do business. Our team of attorneys has extensive experience representing plaintiffs against well-resourced and sophisticated defendants.

CONSUMER SERVICES

Consumers have rights, and companies providing consumer services have a legal obligation to abide by contractual agreements made with customers. Companies must also follow state and federal laws that prohibit predatory, deceptive, and unscrupulous business practices. Milberg's Consumer Services litigation group protects consumers whose rights have been violated by improperly charged fees, predatory and discriminatory lending, illegal credit reporting practices, and invasion of privacy. We also enforce consumer rights by upholding The Fair Credit Reporting Act and Telephone Consumer Protection Act.

CLASS ACTION LAWSUITS

Milberg pioneered federal class action litigation, and is recognized as a leader in defending the rights of victims of corporate and large-scale wrongdoings. We have the manpower, resources, technology, and experience necessary to provide effective representation in nationwide class action lawsuits. Our attorneys have led class actions resulting in settlements of up to billions of dollars across a variety of practice areas, including defective consumer products, pharmaceutical drugs, insurance, securities, antitrust, environmental and toxic torts, consumer protection, and breach of contract.

DANGEROUS DRUGS & DEVICES

For some patients, medication and medical devices improve their lives. For others, the drugs and equipment have questionable benefits at best, and serious, unintended side effects at worst. Taking on drug and device makers requires a law firm that can stand up to the world's largest, most powerful companies. Our defective drug lawyers have held leadership roles in many national drug and device litigations, recovering billions of dollars in compensation.

DATA BREACH, CYBERSECURITY & BIOMETRIC DATA LAWSUITS

Technology changes faster than laws regulate it. Staying ahead of legal technical issues requires a law firm that can see the full picture of innovation and apply past lessons to navigate fast-moving developments, putting consumers ahead of corporate interests. Our data breach and privacy lawyers work at the cutting edge of technology and law, creating meaningful checks and balances against technology and the companies that wield it. Cybersecurity threats continue evolving and posing new consumer risks. Milberg will be there every step of the way to protect consumer privacy and hold big companies accountable.

ENVIRONMENTAL & TOXIC TORTS LITIGATION

Litigation is key in fighting to preserve healthy ecosystems and hold environmental lawbreakers accountable. But in today's globalized world, pollutants—and polluters—are not always local. Corporations have expanded their reach and ability to cause harm. Our environmental litigation practice focuses on representing clients in mass torts, class actions, multi-district litigation, regulatory enforcement, citizen suits, and other complex environmental and toxic tort matters. The companies involved in harmful environmental practices are large, wealthy, and globally influential, but as an internationally recognized plaintiffs' firm, Milberg has the strength and resources to present clients seeking to enforce their environmental rights against well-financed corporations—wherever they operation.

FINANCE & INSURANCE LITIGATION

Big banks and public insurance firms are obligated by their corporate charters to put shareholders' interests ahead of client interests. However, that doesn't mean they can deceive clients to profit at their expense. Milberg's attorneys handle hundreds of insurance-related disputes, including first party bad faith insurance cases, business interruption cases, and hurricane insurance cases. As one of the nation's stop class action law firms, we are well-positioned to pursue insurance bad faith cases on a statewide or nationwide basis.

PUBLIC CLIENT REPRESENTATION

The ability of governments to serve and protect their residents is often threatened by the combination of lower revenues and rising costs. Budget shortfalls are increasing in part because private companies externalize costs, but while corporate profits grow, public interest pays the price. Effectuating meaningful change through litigation, Milberg partners with state and local governments to address the harms facing its residents. Internationally, Milberg's Public Client Practice has achieved success against global powerhouse corporations, including drug, tobacco, mining, and oil and gas companies.

SECURITIES LITIGATION

Over 50 years ago, Milberg pioneered litigation claims involving investment products, securities, and the banking industry by using class action lawsuits. Our litigation set the standard for case theories, organization, discovery, methods of settlement, and amounts recovered for clients. Milberg continues to aggressively pursue these cases on behalf of institutional and individual investors harmed by financial wrongdoing. Inventors of securities class actions, Milberg has decades of experience holding companies accountable both in the United States and globally.

WHISTLEBLOWER & QUI TAM

Blowing the whistle on illegal or unethical conducted is a form of legally protected speech. Milberg's whistleblower attorneys have led actions that returned hundreds of millions of dollars in ill-gotten gains, resulting in significant awards of our clients. Our legacy of standing up to corporate power extends to advocating for greater transparency. In addition to representing whistleblowers, we fight back against corporate-backed laws seeking to deter them from making disclosures.

"Scoring impressive victories against companies guilty of outrageous behavior."

- FORBES

"A powerhouse that compelled miscreant and recalcitrant businesses to pay billions of dollars to aggrieved shareholders and customers."

- NEW YORK TIMES

LEADERSHIP ROLES

In re: Google Play Consumer Antitrust Litigation, 20-CV-05761 (N.D. Cal.)
In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation MDL No. 2973
In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation
In re: Blackbaud Data Privacy MDL No. 2972
In re: Paragard IUD Products Liability Litigation MDL No. 2974
In re: Seresto Flea & Tick Collar, Marketing Sales Practices & Product Liability Litigation MDL No. 3009
In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation
In re: Allergan Biocell Textured Breast Implant Product Liability Litigation

In re: Zicam	In re: Mirena
In re: Guidant Corp. Implantable Defibrillators	In re: Incretin
In re: Ortho Evra	In re: Reglan
In re: Yaz	In re: Levaquin Litigation
In re: Kugel Mesh	In re: Zimmer Nexgen Knee
In re: Medtronic Sprint Fidelis Leads	In re: Fresenius Granuflo
In re: Stand 'N Seal	In re: Propecia
In re: Chantix	In re: Transvaginal Mesh
In re: Fosamax	In re: Fluoroquinolones
In re: Olmesartan (Benicar)	In re: Depuy Pinnacle
In re: Onglyza (Saxagliptin) And Kombiglyze XR	In re: Recalled Abbott Baby Formula
In re: Risperdal and Invega Product Liability Cases	

NOTABLE RECOVERIES

\$3.2 Billion Settlement - In re: Tyco International Ltd., Securities Litigation, MDL 1335 (D.N.H.)
\$4 Billion Settlement - In re: Prudential Insurance Co. Sales Practice Litigation, No. 95-4704 (D.N.J.)
\$1.14 Billion Settlement - In Re: Nortel Networks Corp. Securities Litigation, No. 01-1855 (S.D.N.Y.)
\$1 Billion-plus Trial Verdict - Vivendi Universal, S.A. Securities Litigation
\$1 Billion Settlement - NASDAQ Market-Makers Antitrust Litigation
\$1 Billion Settlement - W.R. Grace & Co.
\$1 Billion-plus Settlement - Merck & Co., Inc. Securities Litigation
\$775 Million Settlement - Washington Public Power Supply System Securities Litigation

LOCATIONS

CALIFORNIA

280 South Beverly Drive, Penthouse
Beverly Hills, California 90212

402 West Broadway, Suite 1760
San Diego, California 92101

FLORIDA

2701 South Le Jeune Road
Coral Gables, Florida 33134

ILLINOIS

227 W. Monroe Street, Suite 2100
Chicago, Illinois 60606

KENTUCKY

19 North Main Street
Madisonville, Kentucky 42431

LOUISIANA

5301 Canal Boulevard
New Orleans, Louisiana 70124

MICHIGAN

6905 Telegraph Road, Suite 115
Bloomfield Hills, Michigan 48301

NEW JERSEY

1 Bridge Plaza North, Suite 275
Fort Lee, New Jersey 07024

NEW YORK

100 Garden City Plaza,
Garden City
New York 11530

405 E 50th Street
New York 10022

NORTH CAROLINA

900 West Morgan Street
Raleigh, North Carolina 27603

SOUTH CAROLINA

825 Lowcountry Blvd, Suite 101
Mount Pleasant, South Carolina 29464

TENNESSEE

800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929

518 Monroe Street
Nashville, Tennessee 37208

PUERTO RICO

1311 Avenida Juan Ponce de León
San Juan, Puerto Rico 00907

WASHINGTON

1420 Fifth Ave, Suite 2200
Seattle, Washington 98101

17410 133rd Avenue, Suite 301
Woodinville, Washington 98072

WASHINGTON, D.C.

5335 Wisconsin Avenue NW, Suite 440
Washington, D.C. 20015-2052

NETHERLANDS

GERMANY

PORTUGAL

UNITED KINGDOM



www.milberg.com



FIRM PROFILE

The Lyon Firm is a Cincinnati, Ohio based law firm representing individuals nationwide in class action and product liability litigation. Joe Lyon founded the Firm in 2006 following his work as an associate for a national complex litigation firm. Over the past 20 years, Mr. Lyon has represented thousands of individual clients in over 47 Multi-District Litigations (“MDL”) in both federal and state court consolidated actions. Mr. Lyon has also served, and is serving, as Class Counsel, on Executive and Steering Committees, and as plaintiffs’ counsel in over seventy (70) class actions. These complex cases have involved a diverse range of legal, scientific, regulatory, and public policy issues involving medical devices, pharmaceutical products, toxic consumer products, and data privacy matters.

Recent Class Counsel roles include, among others, *Hawkins v. Navy Federal Credit Union*, Case No: 1:19-cv-01186 (U.S District Court, E.D. of VA)(Co-Lead Counsel in TCPA class action; Final Approval of \$9.25 million nationwide non-reversionary common fund); *Devine v. Health Aid of Ohio*, Case No: CV-21-948117(Cuyahoga County)(Final Approval granted in data breach class action for claims made settlement valued at \$12.5 million); *Engle v. Talbert House*, No. A 2103650 (Hamilton County, OH): Co-lead Counsel in a data breach class action impacting over 300,000 medical patients; Final approval granted for nationwide claims made settlement providing monetary benefits and additional identity theft protection with claimed value at \$1.17 million and offered class value of \$49 million; *In Re Southern Ohio Health System Data Breach*, Case No:A210886 (Hamilton County, OH)(Co-Lead Counsel in data breach class action impacting over 400,000 patients; Final Approval granted for nationwide non-reversionary common fund settlement of \$1.95 million); *Migliaccio v. Parker Hannifin Corp.*, Case No. 1:22-cv-00835 (U.S. District Court, N.D. of OH)(Interim Class Counsel in data breach class action impacting over 100,00 current and former employees); and *Rodriquez v. Professional Finance Co., Inc.*, Case No: 1:22-cv-01679 (U.S. District Court, Dist. of CO)(Interim Class Counsel in data breach action impacting over a million customers).

The Firm has a long history of successful MDL work having developed supportive evidence on numerous specific causation issues to support claims within the MDL case structure. In addition, Mr. Lyon has worked alongside many of the leading Plaintiff Firms on leadership committees to develop common benefit evidence on general liability and general causation. Notably, Mr. Lyon has served on several MDL Discovery Committees, where he has participated in large scale e-discovery document reviews, 30(b)(6) depositions, expert development, medical literature surveys, FDA regulatory reviews, and bellwether trial preparation: e.g., MDL 1748: *In re Testosterone Replacement Therapy*; MDL 2327: *In Re Ethicon Pelvic Repair Systems*; and MDL 1598: *In Re: Ephedra Products Liability Litigation*. Moreover, Mr. Lyon has contributed as a member of several bellwether trial teams including, *Wisniewski v Taketa Pharmaceuticals America Inc.* Case No: 120702272 (Philadelphia County, PA), which resulted in a favorable Plaintiff’s verdict that assisted in the global resolution of the national litigation.

Finally, Mr. Lyon has dedicated much of his career to representing individual plaintiffs in catastrophic single event litigation. This rewarding work has provided families with answers to difficult questions of liability and has resulted in numerous life changing settlements that have assisted with long term medical needs and compensation for significant financial and personal loss. The single event litigation has required the Firm to consistently learn new subject matters, develop new case themes, and create new relationships. These cases have addressed a variety of legal, medical, and engineering issues arising from automotive product defects, firearm defects, medical malpractice, workplace injuries, toxic exposure, environmental contamination, and asbestos exposure.



FIRM PROFILE

CURRICULUM VITAE

Professional Experience

- The Lyon Firm, A Law Corporation; Founder & Managing Partner (9/2006-Present)
- Lopez, Hodes, Restaino, Milman & Skikos, A Law Corp.; Associate

Admissions to Practice Law

- Ohio
- Kentucky
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Ohio
- United States District Court, Colorado
- United States District Court, Northern District of Illinois
- United States District Court, Eastern District of Kentucky
- United States District Court, Eastern District of Michigan
- United States District Court, Eastern District of Wisconsin
- United States District Court, Nebraska
- United States District Court, North Dakota
- United States Court of Appeals, 6th Circuit
- United States Court of Appeals for Veterans Claims

Education

- Chicago Kent College of Law, Illinois Institute of Technology, Chicago, IL, J.D. (2002)
 - Honors:
 - Federal Judicial Externship: United States District Court for the Northern District of Illinois, Judge William Hibbler; (January 2001-September 2001)
 - Law Review: Member of Chicago-Kent Journal of International and Comparative Law.
- Loyola University, Baltimore MD, B.A. in Political Science (1999)
 - International Study:
 - Katholieke Universiteit, Leuven, Belgium (9/1997-6/1998)
 - St. Louis University, Madrid, Spain (9/1998-12/1998)



FIRM PROFILE

Representative Lead Class Counsel Experience:

- ***Hawkins v. Navy Federal Credit Union***, Case No: 1:19-cv-01186 (E.D. of VA): Appointed co-lead class counsel in TCPA class action. Judge Brinkema approved nationwide class and non-reversionary common fund settlement of \$9,250,000 providing monetary compensation for class of over 66,000.
- ***Wade v. U.S. Bank National Association***, Case No: A1501522 (Hamilton County, Ohio): Appointed co-lead class counsel in state mortgage satisfaction class action. Judge Winkler approved an Ohio class and common fund settlement of \$1,750,000.00 providing monetary compensation to a class of over 45,000.00 mortgage holders.
- ***Devine et al, v. Health Aide of Ohio***, Case No: CV-21-948117 (Cuyahoga County, OH): Appointed as co-lead class counsel in consolidated data breach class action involving 141,149 medical patients; Judge Russo granted Final Approval for a claims made nationwide settlement providing monetary benefits and additional identity theft protection valued at over \$12.5 million.
- ***In Re Southern Ohio Health System Data Breach***, Case No: A2101886 (Hamilton County, OH): Appointed as co-lead counsel in consolidated data breach class action impacting two Ohio hospital systems; Final approval granted for nationwide non-reversionary common fund settlement of \$1,950,000.00 that provides monetary compensation to 420,433 class members.
- ***Engle v. Talbert House***, No. A 2103650 (Hamilton County, OH): Appointed as co-lead class counsel in a data breach class action impacting over 300,000 medical patients; Final approval granted for nationwide claims made settlement providing monetary benefits and additional identity theft protection with claimed value at \$1,171,000.00 and offered class value of \$49,840,000.00.
- ***Migliaccio v. Parker Hannifin Corp.***, Case No. 1:22-cv-00835 (U.S. District Court, N.D. of OH)(Appointed interim co-lead class counsel by Judge Polster in data breach class action against multi-national manufacturer impacting thousands of current and former employees.)
- ***Tucker v. Marietta Area Health Care, Inc.***, No. 2:22-cv-00184 (U.S. District Court, S.D. of OH): Serving as proposed interim co-lead in consolidated data breach class action involving ransomware attack on Ohio hospital that compromised the PII and PHI of thousands of patients. Motion to Dismiss fully briefed and pending, and case management order entered.
- ***Bae v. Pacific City Bank***, No. 21STCV45922 (Los Angeles County Superior Court, CA): Serving as proposed interim co-lead class counsel in a data breach class action involving thousands of CA residents under CCPA violations against a regional bank.



FIRM PROFILE

- ***Miranda v. Xavier University***, No. 1:20-cv-00539 (U.S. District Court, S.D. of OH); Serving as proposed interim co-lead class counsel for nursing students in a class action arising from the breach of contract to provide clinical education and experience through the coursework. Motion to Dismiss denied in part and granted in part. Discovery ongoing.
- ***Reynolds v. Concordia***, No. 21-cv-02560 (U.S. District Court, Minn.); Serving as proposed interim co-lead class counsel for nursing students in a class action arising from the breach of contract to provide clinical education and experience through the coursework. Motion to Dismiss denied in part and granted in part. Discovery ongoing.

Executive & Steering Committee Experience:

- ***Desue, et al. v. 20/20 Eye Care***, Case No: 21-CV-61275 (S.D. of FL; Appointed to Plaintiffs' Executive Committee in data breach class action impacting 3.2 million patients' personal and healthcare information. Motion to Dismiss denied in part and granted in part. Preliminary approval of \$3,000,000 non-reversionary common fund.
- ***Baker, et al. v. Parkmobile, LLC***, Case No: 1:21-CV-2182 (N.D. of GA; Appointed to Plaintiffs' Steering Committee in data breach class action impacting the personal information of over 21 million customers. Motion to Dismiss fully briefed and pending.
- ***MDL 1748 In Re: Testosterone Replacement Therapy Products Liability Litigation.***
Assisted in the formation of the litigation and the consolidation of over 4,000 cases before Judge Kennelly in the Northern District of Illinois. Performed document review and coding on regulatory and custodial files related to deceptive and off label marketing claims and adverse events; Developed consulting relationship with leading experts and created medical literature summaries; Organized deposition summaries for bellwether trials.
- ***MDL 2327 In Re: Ethicon, Inc. Pelvic Repair Systems Product Liability Litigation.***
Performed document review and coding on custodial files on product design, labelling, opinion leaders, adverse events, and regulatory approval; Assisted in preparation for corporate 30(b)(6) depositions, opinion leader depositions, and bellwether trials.
- ***In Re: Actos (Pioglitazone) Products Liability Litigation. Wisniewski v. Takeda Pharmaceuticals et al.*** (Case No. 120702272) Co-Counsel for bellwether trial in Philadelphia County. Jury awarded \$2,340,000.00 in compensatory damages.
- ***MDL 1598 In Re: Ephedra Products Liability Litigation:*** Coordinated GNC document review, assisted in deposition preparation for 30(b)(6) depositions, and participated in bellwether trial support.



FIRM PROFILE

Representative Current Multi District Litigation (Case Specific Work):

- MDL 2738 In Re: Johnson & Johnson Talcum Powder
- MDL 2885 In Re: 3M Product Liability Litigation
- MDL 3004 In Re: Paraquat Product Liability Litigation
- MDL 2974 In Re: Paraguard IUD Product Liability Litigation
- In Re Pam Cooking Spray Consolidated Actions (Cook County, IL)

Representative Past Multi District Litigation (Case Specific Work):

- MDL 2741 In Re: Roundup Products Liability Litigation
- MDL 2441 In Re: Stryker Rejuvenate and ABG II Hip Implant Litigation
- MDL 2768 In Re: Stryker LFIT V-40 Femoral Head Product Liability Litigation
- MDL 2391 In Re: Biomet M2A Magnum Hip Implant Products Liability Litigation
- MDL 2734 In Re: Abilify (Aripiprazole) Products Liability Litigation
- MDL 2244 In Re: Depuy Orthopaedics, Inc. Pinnacle Hip Implant Litigation
- MDL 1748 In Re: Testosterone Replacement Therapy Products Liability Litigation.
- JCCP 4887 In Re: Essure Product Cases
- MDL 2591 In Re: Syngenta AG MIR 162 Corn Litigation
- MDL 2000 In Re: Yaz/ Yasmin/ Ocella Litigation (Philadelphia Consolidated Actions)
- MDL 2197 In Re: Depuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation
- MDL 1871 In Re: Avandia Marketing, Sales Practices and Products Liability Litigation
- MDL 1598 In Re: Ephedra Products Liability Litigation
- MDL 1905 In Re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation
- MDL 1769 In Re: Seroquel Products Liability Litigation
- MDL 1928 In Re: Trasylol Products Liability Litigation
- MDL 1785 In Re: Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation
- MDL 1657 In Re: Vioxx Marketing, Sales Practices and Products Liability Litigation
- MDL 2226 In Re: Darvocet, Darvon, and Propoxyphene Products Liability Litigation
- MDL 2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation
- MDL 2325 In Re: AMS, Inc., Pelvic Repair System Products Liability Litigation
- MDL 2187 In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation
- MDL 2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation
- MDL 2326 In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation
- MDL 2299 In Re: Actos (Pioglitazone) products Liability Litigation
- MDL 1842 In Re: Kugel Mesh Hernia Patch Products Liability Litigation
- MDL 1708 In Re: Guidant Implantable Defibrillators Product Liability Litigation
- MDL 1905 In Re: Medtronic Sprint Fidelis Leads Product Liability Litigation
- In Re Depo Provera: New Jersey Consolidated State Litigation



THE LYON FIRM
Attorneys and Counselors at Law

FIRM PROFILE

Representative Single Event Settlements

- ***Estate of Gabrielle Walker v. The Toledo Hospital*** (2021) Lucas County, Ohio, Case No: G-4801. Lead counsel in medical malpractice/ wrongful death case involving allegations of negligent discharge of a suspected child abuse patient. The discharge resulted in returning the child to the suspected home environment where she sustained terminal injuries that evening. The four years of litigation entailed lead counsel taking over twenty depositions, preparing and disclosing four liability experts, filing several motions to compel discovery (ESI and 30B5 Witnesses) that the Court granted, and obtaining the Court's denial of two motions for summary judgment. The parties entered a confidential settlement two months before trial after months of negotiation.
- ***Murphy v. University Hospital*** (2019) Hamilton County, Ohio A-18-03027. Lead Counsel in medical malpractice case involving the alleged misdiagnosis of cancer and unnecessary operation to remove 17 lymph nodes. The patient was cancer free and the unnecessary surgery left her with permanent lymphedema. Confidential Settlement following disclosure of expert reports on liability, causation and life care plan.
- ***Gray v. Graham KTM Sport Motorbikes*** (2018) N. Dist. of Mississippi Case No: 3:17-cv-092. Lead counsel in automotive product liability matter involving a recalled accelerator of a motor-cross bike. The recall was noticed due to the accelerator sticking and resulting in unintended acceleration. Plaintiff experienced this event losing control, whereby the bike fell onto him as he attempted to jump from the out-of-control bike. His arm was trapped in the rear wheel resulting in catastrophic amputation. Confidential settlement following limited discovery and disclosure of life care plan.
- ***Harrell et al. v. WWS Associates*** (2018) Hamilton County, Ohio, Case No: A1600701. Lead counsel in lead exposure case involving the secondary exposure of two minor children to industrial lead dust. It was alleged the children were poisoned when their father returned home from a recycling job that did not provide adequate protective clothing or require showers before returning home. The children suffered neurological injuries related to elevated lead levels. Confidential settlement following factual discovery and disclosure of expert reports on causation and damages.
- ***Lemon v. FMK Firearms, Inc. et al.*** (2016) E. Dist. of KY Case No: 2:15-cv-00128. Lead Counsel in complex product liability case involving a defective handgun that was subject to a recall due to drop-fire risks. Plaintiff suffered severe injuries including compartment syndrome when gun was accidentally dropped and fired. Confidential settlement following initial factual discovery.



FIRM PROFILE

- ***Waters v. F&P America MFG, Inc.*** (2016) Miami County, Ohio Case No: 15-103. Lead Counsel. Workplace intentional tort claim involving a corporate policy to circumvent a perimeter cage designed to protect workers from hydraulic equipment malfunction. Plaintiff suffered catastrophic amputation of multiple fingers when a machine misfired. Confidential settlement following corporate depositions and while motion for summary judgment on employer intentional tort and workers compensation immunity issues was pending.
- ***Estate of Ralph Jamison v. Continental Appliances, Inc.*** (2013) Adams County, Ohio Case No. CVB 20120499. Lead Counsel in complex Product Liability case involving a defective propane wall heater that resulted in severe burn injuries and wrongful death. Confidential Settlement following motion to compel documents was granted and 30(b)(5) deposition.
- ***Estate of Joseph Ponsi v. RCD Sales, Inc.*** (2012) Ashland County, Ohio Case No. 12-CVI-017). Lead Counsel in dealership negligence involving the sale of a recreational towing vehicle that exceeded towing capacity of tow vehicle resulting in rollover and wrongful death. Confidential settlement following multiple depositions on liability and disclosure of expert reports.
- ***Armesia Thomas v. General Motors et al.*** (2011) E. Dist. of KY Case No. 08-228-ART. Lead Counsel in complex Product Liability action involving claims of defective seat belt design resulting in catastrophic spinal cord injury to a 19 year old female. Confidential settlement with General Motors and Takata Defendants following full factual discovery and disclosure of expert reports and life care plan.
- ***Michael Urchak v. Donnell Ford Lincoln Mercury of Salem, Inc.*** (2010) Mahoning County, Ohio Case No 08-CV-3700). Lead Counsel in dealership negligence causing mechanical failure and loss of control of vehicle resulting in spinal cord injury. Confidential Settlement following full factual discovery and disclosure of expert reports and life care plan.
- ***Charles & Jennifer Briner, Individually and on Behalf of Christopher Briner, A Minor v Daimler Chrysler Corporation.*** (2007) (Richland County, Ohio Case No. 05-CV-371). Co-lead counsel in complex product liability action involving claims of defective seat belt buckle resulting in inadvertent buckle release and catastrophic brain injury to a minor. Confidential settlement two weeks before trial following full factual discovery and expert disclosures on liability and life care plan.
- ***Marlene Lewis et al v. Alex Saba,, M.D.*** (2006) Hamilton County, Ohio, Case No. A0501599. Co-lead counsel in medical malpractice claims arising from the failure to diagnose breast cancer resulting in cancer progression, loss of survival, and additional invasive medical care. Confidential Settlement a few months before trial following full discovery and expert disclosures on liability and damages.



FIRM PROFILE

Memberships & Board Positions

Attorneys Information Exchange Group (2006- Present)
National Trial Lawyers (2009-Present)
American Association for Justice (2003-Present)
American Association for Justice, Trial Magazine, Peer Review Panel (2018)
American Association for Justice, TRT Litigation Group Co-Chair (2014-2019)
American Association for Justice Litigation Group Leaders Council (2014- 2019)
American Association for Justice, Member (2003- Present)
American Association for Justice, “New Lawyers Board of Governors” (2004-2013)
Ohio Association for Justice (2003-2007; 2013-Present)
Ohio Association for Justice, Product Liability Section Chair (2014-2015)

Publications & Presentations

- *Mass Torts in State Court*. OAJ Summer Convention, Columbus, OH (2017)
- *Managing Client Expectations*. OAJ Summer Convention. Columbus, OH (2015)
- *The Wheels of Justice: Mass Torts in State Courts*. OAJ Quarterly. Product Liability Section. (2015)
- *“Low T”- The Creation of a Disease*. OAJ Quarterly. Product Liability Section. (2014)
- *Ethical Aspects of Mass Tort Marketing*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy MDL Update and Case Criteria*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy --Specific Causation*. AAJ Mass Tort Update Seminar. San Diego, CA (2014)
- *Testosterone Replacement Therapy –MDL Case Management Orders*. AAJ Mass Tort Update Seminar. Santa Barbara, CA (2014)
- *Testosterone Replacement Therapy --Causes of Action*. AAJ Emerging Mass Tort Seminar. Louisville, KY (2014)
- *Parallel Claims & Reporting Requirements: New Motivation for Drug Manufacturers to Give Adequate Warning*. OAJ Quarterly. Product Liability Section (2013)
- *Where to Begin Your Search for the Smoking Gun: Organizing Your Strategy and Informal Discovery*. National Business Institute Seminar. Cincinnati, OH (2010)
- *Written Discovery Strategies*. National Business Institute Seminar. Cincinnati, OH (2010)



FIRM PROFILE

- *A Separate Piece in Seeking Justice: Civil Themes and Skills in Public Defense*. AAJ, Criminal Law Section, Vol. 16, No.2 Winter (2009)
- *The Weight of Expert Testimony*. National Business Institute Seminar. Cincinnati, OH (2009)
- *Punitive Damages: Current Trends and Strategies*. National Business Institute Seminar. Cincinnati, Ohio (2009)
- *Jury Selection: Your First Trial*. Northern Kentucky College of Law. (2009)
- *Utilizing ATLA Resources for Law Students*. University of Cincinnati College of Law. (2003)

Honors & Awards

- Super Lawyers (Class Action and Mass Torts) (2018, 2019, 2020, 2021, 2022, 2023)
- Super Lawyers, Rising Stars (Class Action and Mass Torts) (2012, 2013, 2014, 2015, 2016)
- National Trial Lawyers: Top 100 Trial Lawyers for Ohio (2009-Present)
- National Trial Lawyers: Top 20 Mass Tort Lawyers (2018- Present)